



May 19, 2021

Honorable Katharine H. Parker
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Your Honor,

I am a Pulitzer Prize-winning financial reporter in the investigations unit at NBC News and I write regarding Sparrow Management v. MiMedx Group, a defamation and malicious prosecution case over which you preside. The case number is 18-cv-4921.

I have covered financial fraud for decades, including twenty years at *The New York Times* and two at *The Wall Street Journal*. I have followed the criminal fraud prosecution involving MiMedx's former CEO and chief operating officer closely.

Today, I write to request, most respectfully, that the court unseal several documents in Sparrow v. MiMedx. While I appreciate the rationale underlying the policy of confidentiality in such matters, a presumption in favor of openness attaches to the records in Sparrow v. MiMedx. A strong interest exists in upholding the public's right to access, monitor and report on business practices involving public companies, especially as they relate to their use of government agencies to pursue critics.

For example, your ruling of May 13, 2021, indicates that sealed documents in the Sparrow case include those showing "MiMedx's investigatory strategy to uncover the identities of the anonymous bloggers by backchanneling with the FBI."

Understanding how a public company "backchanneled" the FBI, the nation's top domestic investigative agency charged with pursuing federal crimes and threats to national security, is of great public interest.

With the utmost respect, I urge you to unseal the following documents in Sparrow v. MiMedx.

All exhibits contained in Docket #195, particularly if the sealed exhibits relate in any way to MiMedx's communications with the FBI, SEC, FINRA, and/or the United States Senate as part of its campaign against critics.

Three documents referenced in Docket #207, identified as MMIG-0252896, MMIG-02691037 and MMIG-03193923.

Thank you for your consideration.

Sincerely,

/s/ Gretchen Morgenson

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